

REMARKS

Claims 1-19 are pending after entry of the above claim amendments, claims 1 and 10 have been amended through this response. Applicant hereby submits the above amendments to claims 1 and 10, wherein applicant believes that the amendments further clarify the present invention.

Claim Rejections 35 USC §103(a), Claims 1-19.

Claims 1-19 stand rejected under 35 USC §103(a) as being anticipated by US Patent No. 4,101,109 to Edwards in view of US Patent Des. 228,360 to Sunshine.

Applicant hereby submits the above claim amendments, wherein claims 1 and 10 have been amended to further clarify the present invention. Specifically, claims 1 and 10 have been amended to recite that the upper and lower members are permanently connected to each other respectively and that the flexible retaining ring is permanently connected to the lower members. Applicant believes that the claims as amended are clearly allowable over Edwards and Sunshine for the reasons presented below.

Applicant respectfully directs the Examiners attention to Figure 1 of Sunshine, where it is shown that the flexible members of Sunshine are **not** connected to each other at a midpoint. Instead, as shown in Sunshine the flexible member are disposed through apertures formed in the corners of the lower member, wherein the flexible members are passed through each of these apertures respectively and cross each other at a midpoint. As shown, the flexible members do not include any means, which connect each of the flexible members at this midpoint; therefore, the flexible members of Sunshine are free to move independent of each other. By allowing the flexible members to move independently relative to one another may lead to an undesirable condition where one flexible member may move, thereby leading to an unbalanced situation, such that the lower plate of Sunshine would no longer be retained horizontally. If this were to occur, then the terrarium may slide out of the hanger assembly and fall, which could lead to a dangerous condition.

One of ordinary skill in the art would not have been motivated by the teachings of Sunshine to modify Edwards in the manner suggested in the above-referenced Office Action because Sunshine does not teach that which is described in the Office Action above. Specifically, Sunshine does not teach that the flexible members are affixed to one another at a midpoint. Additionally, one of

ordinary skill in the art would not have been motivated to modify Edwards with the teachings of Sunshine because the hanger of Edwards functions in a manner different than that of Sunshine. More specifically, as shown in Figure 3 of Edwards, there is shown a bottom view of the hanger of Edwards, wherein as shown, Edwards includes "Corner Pocket Members 71-74" that are configured to retain the loudspeaker. As shown in Figure 1 of Edwards, the "Corner Pocket Members 71-74" are disposed at the corners of the loudspeaker, wherein the "Lower circumferential links 61 and 62" pass through each of these "Corner Pocket Members 71-74", wherein the links 61 and 62 do **not** cross each other below the loudspeaker as shown in Figures 3 and 4. The links 61 and 62 of Edwards cannot be disposed to cross at a midpoint because each respective link passes through the corner pockets on an outer surface of each pocket, therefore, due to geometry limitations of the corner pockets the respective links can not physically cross at a midpoint without causing the corner pockets from spreading apart, therefore destroying the teachings of Edwards (See Column 3, Line 49-55).

Therefore, one of ordinary skill in the art would not have been motivated by the teachings of Sunshine because the physical structure of Edwards could not be modified as suggested without destroying the functionality of the hanger of Edwards.

Additionally, the hanger of Edwards and Sunshine differ from that of the present invention, wherein the hanger of Edwards and Sunshine each use additional elements to retain a member disposed within the hanger. More specifically, Edwards utilizes corner pockets 71-74, wherein the corner pockets are specifically designed to hold a square object, namely a loudspeaker. As with Sunshine, a lower plate is used to space apart the flexible members and provide a rigid platform on which a terrarium can be disposed. Each of these are opposite to the hanger of the present invention, wherein the hanger in accordance with the present invention may be utilized to retain various sized objects because the flexible members in accordance with the present invention may be re-sized to retain different sized items as well as hold items having various geometries.

Referring now to Claims 1 and 10 of the present invention, it can be seen that the present invention addresses the shortcoming of the prior art by fixedly attaching the two lower members at a mid point. By fixedly attaching the members at a mid point, each of the lower members **cannot** move relative to each other as those in the prior art can. It can be seen that the prior art attempted to

address this problem in a different manner. With respect to Edwards, the corner pockets are restrained on three sides to prevent outward movement, but cannot retain objects that are not square or rectangular. With respect to Sunshine, the flexible members are disposed through apertures which retain the flexible members in a fixed position relative to one another, but **do not** prevent the flexible members from sliding relative to each other.

Additionally, Applicant respectfully directs the Examiner's attention to the above claim amendments, wherein Applicant has further amended claims 1 and 10 to clarify the present invention. More specifically, claims 1 and 10 have been amended to recite that the upper flexible members are affixed to each other adjacent the first ring. It is the Applicant's belief that claims 1 and 10 are allowable over the prior art of record. Specifically, Edwards does not show or describe such a feature. With regard to Sunshine, the members do not pass through the ring, instead they terminate at the ring.

INTERVIEW SUMMARY

A telephone conference was conducted on March 10, 2005 between the undersigned and Examiner Valenti. A proposed response was faxed to Examiner Valenti's attention on March 9, 2005. Undersigned and Examiner Valenti discussed the proposed claim amendments submitted on March 9, 2005 in Undersigned's proposed after final response. In addition to discussing the proposed claim amendments, the references Edwards and Sunshine were discussed which included the physical properties of each of the patented inventions. Specifically, discussions were made to each reference as to the flexible members and whether they are "permanently connected" to each other.

Undersigned and Examiner Valenti concluded that the references individually and combined do not teach the present invention as presented in the amended claims 1 and 10. Specifically, neither reference or any of the previously cited references teach a hanger which is constructed of flexible members having an upper and a lower portion, wherein the upper members are **permanently connected** to each other adjacent a ring, and the lower members being **permanently connected** to each other at a mid point. Additionally, as defined in claims 1 and 10 as amended, the flexible ring is **directly coupled** to the lower flexible members. As discussed, the lower flexible member of Edwards is not directly coupled to the lower flexible members, instead, the lower flexible member of Edwards is disposed through the "corner pocket members".

CONCLUSION

Applicant respectfully directs the Examiner's attention to amended Claims 1 and 10 of the present application wherein it can be seen that Edwards in view of Sunshine does not teach every element of the Applicant's invention. More specifically, as noted in the Office action, Edwards fails to teach a hanger wherein the two members are fixedly attached to each other at a midpoint. Additionally, as shown in Figure 1 of Sunshine, the members are **not** fixedly attached to each other at a midpoint. Further still, the flexible retaining rings of Edwards are not directly coupled to the lower flexible members as in the present invention, instead, the lower flexible retaining rings of Edwards are received within corner pockets which hold the flexible retaining rings a distance from the lower flexible members.

Therefore, each of the references cited in combination do not teach the present invention. Applicant respectfully requests that the claim rejection be withdrawn and the application advanced to allowance. Applicant respectfully requests reconsideration of the present application in view of the above amendments and remarks. Applicant believes that the present invention is allowable over the references cited in the above-referenced Office Action for the reasons above and respectfully requests that the rejections be withdrawn and the application be advanced to allowance.

If any questions arise regarding the enclosed documents, undersigned can be reached by telephone at (650)-245-4138.

Respectfully submitted,
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